



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

OCT - 3 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Larry Wiggins
Public Works Director
Town of Newport
15 Sunapee Street, Suite 1
Newport, NH 03773-1497

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015

Dear Mr. Wiggins:

Thank you for your September 13, 2012 letter advising EPA that Newport's Phosphorus Removal Wastewater Treatment Facility ("WWTF") Upgrade has been delayed. You wrote that Penta Corporation informed the Town during a September 4, 2012 WWTF Upgrade project meeting that substantial completion of the WWTF Upgrade project would not be achieved by October 31, 2012 because the pre-engineered building had not been fabricated and delivered on schedule. In your letter, you requested an extension of the October 31, 2012 Administrative Order ("Order") deadline to December 31, 2012 for completing the WWTF Upgrade and achieving compliance with the total phosphorus limits.

By this letter, the major milestones set forth below are incorporated into the Order and enforceable pursuant to Paragraphs III.1.c. and III.3.b. of the Order. The major milestone deadlines are as follows:

Supplemental Order Schedule

- **By December 31, 2012**, Newport shall achieve compliance with the phosphorus limits contained in the NPDES Permit, shall conduct quarterly WET limits compliance monitoring as required by the Town's NPDES Permit, and, for one year, will provide quarterly effluent toxicity evaluations in addition to the requisite full bioassay report by the last day of the month following the WET test calendar quarter (i.e. by January 31, 2013; April 30, 2013; July 31, 2013; and October 31, 2013).

- **By November 30, 2013**, Newport shall have completed one year of WET monitoring including quarterly evaluations, and if full NPDES Permit compliance was achieved, Newport shall submit to EPA and NHDES a letter report of its findings. If the one-year period of compliance monitoring demonstrates that the Phosphorus Removal WWTF Upgrade did not also achieve compliance with the WET limits of the NPDES Permit, Newport shall instead submit to EPA and NHDES a detailed engineering report that recommends additional long-term corrective measures and a schedule to comply with the WET limits of the NPDES Permit.

Please telephone Joy Hilton of my staff at (617) 918-1877 or have your attorney contact Michael Wagner at (617) 918-1735 if you have any questions.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

cc: Tracy L. Wood, NHDES
Norma Mason, EPA